

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL CASE NO. 3:97-cr-00290-MR-1**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TROY LAMONT McFARLANE,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion to Clarify District Judge Decision to Award Undischarge [sic] Term of Imprisonment under U.S.S.G. 5G1.3" [Doc. 315].

On October 7, 1997, the Defendant was indicted in this District on one count of conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C. § 846, and one count of conspiracy to import cocaine, in violation of 21 U.S.C. § 952. [Doc. 3]. On May 6, 1999, the Defendant was sentenced to a term of 280 months' imprisonment on each count, to run concurrently. [Doc. 247]. On August 4, 2015, pursuant to 18 U.S.C. § 3582 and Amendment 782 of the U.S. Sentencing Guidelines, this Court reduced

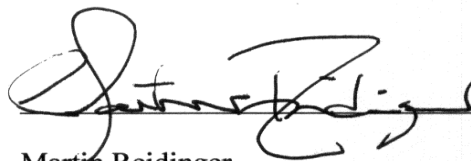
the Defendant's sentence to a sentence of time served effective November 1, 2015. [Doc. 314].

The Defendant now moves for "clarification" of the Court's Order granting him relief under § 3582. Specifically, the Defendant states that subsequent to the imposition of his federal sentence, he was charged and sentenced by a Georgia state court to a term of 12 months' imprisonment. He argues that the Order granting him § 3582 relief should be amended to reflect that this state sentence, which is apparently undischarged, should run concurrently with his time served sentence, rendering him eligible for release from both state and federal custody effective November 1, 2015. [Doc. 315].

The reduction in the Defendant's federal sentence pursuant to § 3582 has no effect on the Defendant's undischarged state sentence. Accordingly, the Defendant's motion for clarification is denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion to Clarify District Judge Decision to Award Undischarge [sic] Term of Imprisonment under U.S.S.G. 5G1.3" [Doc. 315] is **DENIED**.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

